



Florida Department of Transportation

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ANANTH PRASAD, P.E.
SECRETARY

December 20, 2013

Docket Operations
U.S. Department of Transportation
West Building Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Docket No. FTA-2013-0030

To the Federal Transit Administration:

The Florida Department of Transportation (FDOT) is pleased to offer comments on the Advance Notice of Proposed Rulemaking (ANPRM) issued by the Federal Transit Administration (FTA) in the October 3, 2013 Federal Register. FDOT has been an active participant in developing comments submitted by the American Association of State Highway and Transportation Officials (AASHTO) and we fully support the AASHTO comments.

As noted in the ANPRM Summary, a wide range of topics are covered including safety, asset management and performance measurement and reporting. The Moving Ahead for Progress in the 21st Century Act (MAP-21) provided some welcomed simplification of the highway and transit program structures with increased flexibility. It is very important that USDOT, the States, transit agencies and metropolitan planning organizations collaborate in implementing these changes in a manner that focuses on improved safety and decision-making over regulatory compliance. We believe that FTA has a strategic opportunity to advance MAP-21's policy direction by encouraging performance management best practices, promoting innovation, and providing technical assistance, training, and capacity building.

The ANPRM identifies at least four Notices of Proposed Rulemaking and two additional Federal Register notices to be issued as follow-up to the ANPRM. The Federal Highway Administration also has a series of rulemakings that begin in early 2014. FDOT will monitor and comment on as many of these rulemakings as possible to ensure that they are consistent with the direction provided in MAP-21 and our priorities as a DOT. These requirements could easily become onerous on transit agencies. FTA, among other things, should maximize the use of existing data through the National Transit Database (NTD) as one approach to ensure efficiency.

Our Florida comments will not provide answers to the 123 ANPRM questions, but we strongly urge that the answers provided by AASHTO be given careful consideration since they represent a joint response from Florida and other states.

Likewise, FDOT strongly recommends that the comments provided by the American Public Transportation Association (APTA) and individual transit agencies be given careful consideration in the subsequent rulemaking since any additional reporting by transit agencies will incur costs and resources. A strong focus in the rulemaking process on the ultimate user or customer—public transit operators—will go a long way toward achieving the desired outcomes.

Another major stakeholder, the Association of Metropolitan Planning Organizations (AMPO) and individual metropolitan planning organizations will be impacted by the FTA rulemakings and we urge that the impacts of the rulemaking on these stakeholders be carefully considered as well. Florida has made important advances with performance-based multimodal planning and sees even greater potential in our state and nationally. This is particularly important in terms of ensuring that public transportation is well integrated with state and MPO transportation planning.

The good news is that public transportation is already a very safe mode. Safety is of paramount importance to FDOT as evidenced by our agency Mission to “provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities.” We have also initiated the Florida Transit Safety Network (FTSN) (see <http://www.floridatsn.org/>) which is comprised of members representing each Florida public transit agency and FDOT. FTSN provides a platform for discussing safety challenges and opportunities impacting public transportation providers in Florida. This forum allows member transit agencies to identify safety issues and share leading practices that lead to better outcomes.

The following points are particularly important for Florida as we reviewed the ANPRM:

- Florida recommends that FTA limit the number of safety and state of good repair (SGR) performance measures developed following this ANPRM to as few as practicably possible.
- FTA should not specify targets nor approve targets. State DOTs and MPO set targets for highways. Likewise, State DOTs and transit agencies should set targets for their respective jurisdictions and be given the discretion and flexibility to set targets at the appropriate level for the scale of their asset and resources.
- Regarding driver training and vehicle inspection, FTA should limit the measurement system to that which is already required for NTD reporting and adopt a simple approach for requiring a transit system(s) or a state to certify that a safety plan is in place including driver training and vehicle inspection.
- States should be allowed to develop a Transportation Asset Management Plan for sub recipients as allowed under MAP-21.

- The contents of plans and TIPs/STIPs are essential state and local prerogatives. The rules that will emerge from this ANPRM must not undercut or diminish in any way those fundamental state and local prerogatives.
- FTA, in developing proposed and final rules in follow-up to this ANPRM, should keep regulatory requirements to a minimum to minimize or avoid costs for regulatory compliance.
- In several locations, the ANPRM refers to “small transit providers that are recipients under section 5307 or section 5311.” There are distinct differences in the operations of small urban and rural systems, and any requirements under the safety or transit asset management (TAM) provisions should reflect those differences.
- Requiring TAM plans, with “capital asset inventories and condition assessments and investment prioritization” for section 5310 small sub-recipient private non-profit agencies might be excessive. Perhaps the plan requirement should apply to the designated or direct recipient of the 5310 funds, but not the sub-recipient agency.
- FTA should consider how any new safety regulations will impact states that have already demonstrated a strong commitment to public transit safety by codifying their commitment in State laws and regulations.
- We support the creation of a multi-state or nation-wide model plan/template as an example provided by FTA. The use of this plan/template should remain optional.
- We encourage and support the establishment of minimum SMS standards with flexibility for transit agencies to customize their plans to best fit their organization structure, operations, and resources. It would be helpful if FTA could provide a set of templates that the State can work with to help ensure compliance at the local agency level.
- Regarding combining the bus and SSO oversight programs, the system elements are very different for these modes and the programs are best administered separately. Many agencies operating both rail and bus modes find it easier to manage the safety programs separately given the modal differences.

Public transportation is important to Florida and the other states. Effective and efficient public transportation is vital to us especially in light of our heavily traveled corridors, extensive tourism, and our demographics. Thank you for the opportunity to comment on this important rulemaking.

Sincerely,



Ananth Prasad, P.E.
Secretary

AP/dl